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CHOATE STORY BOOK

WITH A BIOGRAPHICAL SKETCH OF HON. JOSEPH H. CHOATE

CLEMENS, Author of "Life of Mark Twain," "Depew Story Book," etc.

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HON. JOSEPH H. CHOATE
(*From a Portrait by Sarony*)

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1889.

THE CHOATE STORY BOOK.

WITH A BIOGRAPHICAL SKETCH OF

HON. JOSEPH H. CHOATE.

BY

WILL M. CLEMENS,

Author of "The Depew Story Book," "The Mark Twain Story Book," "The Life of Theodore Roosevelt," "The Life of Rear Admiral George Dewey," "A Ken of Kipling," etc., etc.

THE MONTGOMERY PUBLISHING CO.,
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FOREWORDS.

This little compendium needs no words of introduction. The wit and eloquence of Joseph H. Choate speak for themselves. In the law, in politics and literature, he is a shining light among Americans. An account of his life and his work, and specimens of his wit and wisdom, are well worthy of a collected and permanent form.

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THE CHOATE STORY BOOK.

I.

A BIOGRAPHICAL SKETCH.

Joseph Hodges Choate was born at Salem, Massachusetts, January 24, 1832. He was the youngest of four brothers. His father was Dr. George Choate, and his mother Margaret Manning Hodges.

The Choates have an interesting lineage traceable centuries back from France, through Holland to England, and thence to Ipswich, Massachusetts. The family was one of the oldest in New England. The earliest ancestor, John Choate, became a citizen of Massachusetts in 1667. The grandson of this first ancestor, also named John, was a member of the Massachusetts Legislature from 1741 till 1761, and for the five years following a member of the

Governor's Council. The family was noted throughout for its strength of character and mental vigor.

None bearing the honored name has achieved the celebrity, however, of Rufus Choate, that great legal light of New England, and none hold him in greater reverence than his equally distinguished nephew, Joseph H. Choate, who, at the unveiling of the statue of his uncle in the Suffolk County Courthouse of Boston, showed loving admiration and just pride in his eloquent tribute. In speaking of the lineage and training of the elder Choate, he said:

"He came of a long line of pious and devout ancestors, whose living was as plain as their thinking was high. It was from father and mother that he derived the flame of intellect, the glow of spirit, and the beauty of temperament that was so unique. And his nurture to manhood was worthy of the child. It was the 'nurture and admonition of the Lord.' From that rough, pine cradle, which is still preserved in the room where he was born, to his premature grave, at the age of fifty-nine, it was one

long course of training and discipline of mind and character, without pause or rest. It began with that well-thumbed and dog's-eared Bible from Hog Island, its leaves actually worn away by the pious hands that had turned them; read daily in the family from January to December, in at Genesis and out at Revelation every two years; and when a child was born in the household the only celebration, the only festivity, was to turn back to the first chapter and read once more how 'in the beginning God created the heaven and the earth, and all that in them is.'

"And upon this solid rock of the Scriptures he built a magnificent structure of knowledge and acquirement, to which few men in America have attained. . . . His splendid and blazing intellect, fed and enriched by constant study of the best thoughts of the great minds of the race, his all-persuasive eloquence, his teeming and radiant imagination, whirling his hearers along with it and sometimes overpowering himself, his brilliant and sportive fancy lighting up the most arid subjects with the

glow of sunrise, his prodigious and never-failing memory, and his playful wit always bursting forth with irresistible impulse, have been the subject of scores of essays and criticisms, all struggling with the vain effort to describe and crystallize the fascinating and magical charm of his speech and his influence."

It may be well to briefly state that Rufus Choate was born in Essex, Massachusetts, October 1, 1799. He entered Dartmouth College in 1815, becoming a tutor there on graduation. He studied in the Cambridge Law School, and commenced practicing in Danvers in 1824. He was elected to the legislature in 1825, to the State Senate in 1827, and to Congress in 1832. He was elected to the United States Senate in 1841 on Webster's retirement, and resigned in 1845. He practiced in Boston from that time until he died, July 13, 1859.

It has been said of Rufus Choate that the wit of all other American advocates could not exceed his. In reply to counsel who said that his client did not come by his patent naturally, he exclaimed: "Naturally! Why, we don't do any-

thing naturally. Why, naturally a man would walk down Washington street with his pantaloons off." Thus he described the indefinite boundary line between Rhode Island and Massachusetts: "It is like starting at a bush, thence to a bluejay, thence to a hive of bees in swarming time, thence to three hundred foxes with firebrands on their tails." Of a party in a suit: "Why doesn't he pay back the money he has so ill got? He is so much of a villain that he wouldn't if he could, and so much of a bankrupt that he couldn't if he would." Of a crooked flight of stairs: "How drunk a man must be to climb those stairs." Of a woman: "She is a sinner—no, not a sinner, for she is our client; but she is a very disagreeable saint."

Of an improbable narrative he said: "The story is as unlike truth as a pebble is like a star—a witch's broomstick unlike a banner staff." Of a cunning witness: "He is quick, keen, knows when to hold his tongue with the cunning of a bushy-tailed fox—all's right." Of an unseaworthy vessel: "The vessel, after leaving the smooth water of Boston harbor, encoun-

tered the eternal motion of the ocean which has been there from creation, and will be there until land and sea shall be no more. She went down the harbor a painted and perfidious thing, soul-freighted, but a coffin for the living, a coffin for the dead."

This story of Rufus Choate is recalled: By overwork he had shattered his health. Edward Everett expostulated with him on one occasion, saying:

"My dear friend, if you are not more self-considerate, you will ruin your constitution."

"Oh," replied the legal wag, "the constitution was destroyed long ago. I'm living on the by-laws."

Like the great Daniel Webster, and many other men of genius, he had the reputation of being careless in his own money matters. A Middlesex lawyer, calling upon him on business, expressed his astonishment at the extent of Choate's library. "Yes," he said, "more books than I can pay for—that's the bookseller's matter, not mine." There is a story that Webster once met him in front of the Merchants' Bank

and called to him: "Come here, I want $500; I want you to endorse my note." "Make it $1,000," said Choate; "I want $500, too."

One can readily see to what extent ancestry has bestowed upon Joseph H. Choate. In mind he is a counterpart of his illustrious uncle, but in personal appearance he differs greatly from Rufus Choate. "Rufus was tall, skinny, dark, cavernous, hairy, explosive and eccentric," says Joe Howard; "Joseph is tall, well-proportioned, with a medium head of hair, courteous, affable, jocular, sarcastic and temperate."

Little is recorded of Joseph Choate's boyhood. That he was precocious is amply attested by the fact that he entered Harvard at the age of sixteen, and while a student at Harvard he was a participant in no less than twenty-four public debates, and he won them all. Mr. Choate was the most brilliant student at the university. He was graduated at the head of his class in 1852, and two years later graduated from the Harvard Law School.

While in college he became a member of the

Alpha Delta Phi society, and in his later life was president of the Alpha Delta Phi club in New York City. His brother, William Gardner Choate, who became United States judge for the southern district of New York State, went through college and the law school with him.

After studying in a Boston lawyer's office for a few months, he was admitted to the Massachusetts bar in 1855. In the fall of that year he visited various Western States, and then returned to New York. His first year in the metropolis was passed in the office of the firm of which James C. Carter was a member. When he had mastered the New York code he formed a partnership with W. H. L. Barnes, Esq. This connection continued for four years until, June 1, 1859, he found his permanent professional home with the great firm of Evarts, Southmayd & Choate, which succeeded Butler, Evarts & Southmayd, and afterward became Evarts, Choate & Beaman. Mr. Evarts was then in the prime of his powers. It was a great advantage and a great trial for a young lawyer to be

associated with men of this stamp, and Mr. Choate reaped the full advantage.

The period in which Mr. Choate began his career in New York is commonly referred to as the golden age of the metropolitan bar. James T. Brady was a conspicuous figure in the popular eye; Charles O'Connor had already made a deep and lasting impression; William M. Evarts was in the front rank of politics, as well as of law.

It was not very long ago that Joseph H. Choate, chatting in a club with some lawyers about his career, said:

"I came to New York absolutely unknown, with no money. In fact, I had nothing but my diploma, and a letter from my uncle to W. M. Evarts."

Whereat there was great laughter, for each of those who heard knew that a letter from Rufus Choate was worth more than many thousands of dollars. For Rufus Choate was probably the greatest legal genius the country has known.

In 1861 Mr. Choate married Miss Caroline

W. Sterling, who was a native of Cleveland, Ohio. There is a bit of romance connected with her girlhood. In 1850 Fred A. Sterling, Sr., and wife, moved to Cleveland, taking up their home in a small frame house on Euclid Avenue. Their children were Fred A. Sterling, Professor Theo. Sterling, of Kenyon College, and Caroline W. Sterling. Caroline was a popular young woman. Miss Sterling became a devotee of art. She studied painting. She went to New York to study with Thomas Rossiter. Her study began, but she met the young lawyer, Mr. Choate. Their friendship ripened. Then came the announcement that they would be married. The ceremony took place in New York. Mrs. Choate gave up her art, but not her love of it. Mr. and Mrs. Choate have three children, George, Joseph and Mabel. The son, Joseph H. Choate, Jr., was class-day poet at Harvard in June, 1898. Forty-five years before that month his father was salutatorian of his class at the same university.

During his long career as a lawyer, Mr. Choate has been engaged in a large number of

important cases—memorable in the legal annals and even in the history of the United States. His solidity, his learning, and his power in cross-examination have given him his pre-eminence, but he has oratorical gifts as well —often more feared than admired, it is said; stinging sarcasm being one of them. "The fees paid to him," it is added by an acquaintance, "have established a record, and there is hardly a famous case but he has had some hand in it." Among lawyers there is a saying that Mr. Choate's contemporaries divide among them one-half of the leading business of the courts, and Mr. Choate has the other half to himself.

In all the important will cases of twenty-five years, including the litigation over the Vanderbilt, Tilden, Stewart, Hoyt, Cruger, Drake and Hopkins wills, Mr. Choate appeared. He was counsel in the great Huntington case, in which a series of actions were brought against Collis P. Huntington on account of transactions in Central Pacific Railroad stock. Roscoe Conkling made his first appearance in the State courts as Mr. Huntington's counsel. In the

case of Richard M. Hunt *vs.* Mrs. Paran Stevens Mr. Choate was counsel for the plaintiff. In the Maynard election returns cases, involving charges of fraud against Judge Maynard; in the court martial trials of the Fitz-John Porter and Captain McCalla cases; in the investigation of the Vigilant-Valkyrie yacht contest before the New York Yacht Club; in the suit of Hutchinson *vs.* New York Stock Exchange for reinstatement as a member of the Exchange; in the suit of Loubat against the Union Club for reinstatement as a member, and in many others, Mr. Choate gave notable exhibitions of his power.

In the United States Supreme Court the list of his notable appearances is a long one. It includes the case of Gebhard *vs.* the Canada Southern Railway; the Kansas Prohibition case; the case of Neagle, the United States marshal who shot Judge Terry in defense of Mr. Justice Field, and whom Mr. Choate successfully defended; the Chinese exclusion cases; the California irrigation cases; the Stanford will case, involving the fate of the

Stanford University; the Bell Telephone cases; the Behring Sea cases; the income tax cases; the Texas trust law case; the New York Indian case; the Berdan Arms case, and the Southern Pacific land grant cases, involving the title to large areas of Western territory.

Mr. Choate is famous as a cross-examiner. His manner is invariably quiet. He rises and advances to the railing as near the witnesses as possible. Then he puts his head forward as near the witness as he can get it, and begins the battle. He never loses his temper and never raises his voice. He always lets the witness take his own course first, and it is several minutes before he asks a question in which he is really interested. If the answer is unsatisfactory he immediately drops the subject, lets the witness wander away for a little while, and finally brings him gently back to the same question. Again and again he will do this, and the circles continually narrow until the witness cannot stir, and must either answer the question or flatly refuse it. The truth usually comes out either way.

Mr. Choate's devotion to great corporations and to trusts has been purely professional. In the freedom of public speaking outside the courts he has not hesitated to make them, and the financiers who control them, the butts of his caustic humor.

When Mr. Choate left the law schools and entered real life he laid out for himself certain standards of conduct, which he has maintained till the present day. It was even said of him that he had a finer moral fiber and a keener conscience than his celebrated uncle, Rufus Choate, was thought to possess. He had lofty conceptions of public duty, and the responsibilities of governments, from which he has not swerved. A Republican he entered life, and a Republican he has remained through all the momentous struggles and tremendous political issues of the last fifty years, and there are probably few men who possess a better conception of real Republican principles than this New Englander of Salem.

Mr. Choate's Republicanism has been of that robust character which would never be satisfied

with anything but the highest and best in purposes and methods. He would never indorse themaxim that "the end justifies the means," however ignoble the means. He often found himself in antagonism with those who set themselves up as the "bosses" of his party. This antagonism has not had the effect, however, of weakening his influence, but has made him cordially hated by "machine men" of all parties. He might have had public offices over and over again if he had really wished for them and worked for them, but somehow he never seemed to care about entering the political field. When approached on the matter and urged to go in and win, he used to say: "The law is a jealous mistress, and will tolerate no rival; I love my profession, and, besides, I live by it, and I am going to be faithful to it."

One of his admirers says of him that he has been content with the honors of his professional successes, and of his appearance in exciting political campaigns and in critical stages of the municipal affairs of New York City. "When the need of his aid is apparent, when a public

task worthy of his powers demands attention, he is quick to respond."

He took a prominent part in the municipal canvass of 1871, which resulted in the overthrow of the Tweed ring—the ring that had systematically plundered the civic treasury. In political life he never hesitated in denouncing abuses, and he has been especially eloquent in attacking the municipal misgovernment of New York. In 1897 he strongly supported Seth Low, and in short belongs to the very highest class of public men in America. If he has made any political enemies it has been by the ruthless severity with which he condemned the wire-puller and the boss.

He never held office, unless his election as president of the convention that met in 1894 to revise the Constitution of New York State be regarded as an exception. He was president of the New England Society from 1867 to 1871, president of the Harvard Club from 1874 to 1878, and president of the Union League Club from 1873 to 1877. His addresses before these various bodies are regarded as uniformly bril-

liant efforts, models of eloquence, and abounding, like his addresses in court, in wit and humor.

In the social world Mr. Choate has exercised a leadership comparable with his professional supremacy. He maintains active membership in many clubs, including the Union League, City, University, Metropolitan, Riding, New York Athletic and Grolier. He belongs also to the Bar Association, the American Society of Natural History, the Metropolitan Museum of Art, the Century Association, the Dunlop Society, and the Down-Town Association.

Mr. Choate made his first appearance as a political orator in New York in the Fremont campaign in 1856. His *début* as an after-dinner speaker was made at a St. George society dinner not long thereafter. On both platforms he scored an immediate success, and he has spoken in every political canvass since, and almost at every public dinner. Mr. Depew has said of him: "He is one of the few lawyers who has demonstrated his ability to speak with equal eloquence from the platform and in the

forum. He has a dignified, gracious and commanding presence, added to superior ability, great acquirements and oratorical power."

Mr. Choate's ideal of "success," as drawn forth in an interview, is the attainment of a large capacity for work—for accomplishment. Wealth, leisure, sumptuous surroundings, "the contest of idleness, knowing that enough has been done"—these, to common minds the markings of success, have for him no such significance. There are nobler things to be sought. The others are but "trappings, which neither add to nor detract from character." He has always been an eloquent advocate of social, charitable and educational movements. His executive abilities are conceded to be great. His power of sustained and systematic labor is unusual. His cultivation of mind and urbanity of spirit, his geniality and his gift of repartee, have given him remarkable popularity.

During his long residence in New York Mr. Choate passed his summers in a beautiful house that was erected for him in 1885, by Sandford White, in the village of Stockbridge, in the fa-

mous Berkshire Hills, in the western part of Massachusetts. Stockbridge is five miles south of Lenox. There are fewer people and less excitement there than in Lenox, and for that reason he selected that place in preference to the latter, so as to get away from people and not continue the winter life all through the summer. Besides, he considered Stockbridge the prettiest village in New England. He remained away from New York for three months. As he modestly said: "The courts are closed during the summer months, and I am no longer of any use in our office."

He is a pilgrim of the Pilgrims, and nothing appears to arouse his patriotic spirit like the forefathers of his beloved New England. He has given to literature two large and well-written volumes on the history of the Pilgrim Fathers. His favorite studies are constitutional law and English and French history. His favorite authors are George Eliot and Thackeray. He likes William Dean Howells as a novelist, and is a great novel reader. He reads almost everything. In his workroom have

been noticed these books: "The Rise of Silas Lapham," "Cicero on the Immortality of the Soul," Smollet's translation of "Gil Blas of Santillane," Demogeot's "Historie de la Literature Française," and James Freeman Clarke's "Common Sense in Religion." On Mr. Choate's mantelpiece are four busts of old Emperor William, Von Moltke, Emperor Frederick and Bismarck. With them are five old-fashioned beer mugs, and a long German pipe hangs on the wall. A passion and a pleasure with him is the collecting of manuscripts of famous lawyers. In his office and in his library at home are scores of specimens from the quills of Chief Justice Marshall, John Jay, William Pinckney, Alexander Hamilton, Aaron Burr, Daniel Webster, Rufus Choate, and many other legal luminaries of the first magnitude.

Mr. Choate has a splendid physique, and a large, intelligent face. He has brown hair and light brown eyes; his forehead is broad, but not very high. His voice is tenor in quality, musical, flexible, under control and effective, especially when used in sarcasm. He is always

at ease, stands unpretentiously, sometimes with a hand in his trouser's pocket, or a thumb and forefinger thrust into the vest pocket after the English fashion. Affability and dignity characterize his bearing always. He has fewer wrinkles than most men twenty years his junior. The secret of this is perhaps that he has never been in a hurry—that he has never known what it is to worry. Unlike the majority of the Americans, he has never known what it is to "hustle," and struggle morning, noon and night, but goes steadily through life, working hard, and always looking on the bright side.

He believes in happiness and good cheer as promoters of longevity, and we would judge him as one of those New England pilgrims—"who meet annually at Delmonico's to drown the sorrows and sufferings of their ancestors in the flowing bowl, and to contemplate their own virtues in the mirror of history."

II.

IN JEST AND EARNEST.

YALE AND HARVARD.

SOMEBODY said at a college dinner: "Why, Yale is everywhere!" "Yes," interjected Choate, "and she always finds Harvard there when she arrives."

HASH.

Mr. Choate went into a restaurant and asked a waiter what they had for dinner. "Everything," roared the waiter. "Bring it in," was Mr. Choate's reply. "One order of hash," yelled the waiter, and Mr. Choate fainted.

FEMALE BEAUTY.

"Now," said Mr. Choate, glancing up ad-

miringly at the ladies' gallery at Delmonico's, abloom with lovely women, "now I understand what the Scripture phrase means: 'Thou madest man a little lower than the angels.'"

ON HIS AMBASSADORSHIP.

"I doubt if any man ever before found his countrymen so glad to get rid of him. As to my recent appointment, I've been told that I resembled the English convicts who are sent to Botany Bay, in that I am sent abroad for my country's good."

EMBARRASSED.

Mr. Choate was embarrassed only once in his long legal career. That was when in a New York courtroom, a large, rotund and grateful black woman, for whom he won an important case, ran at him to bestow a thankful kiss on his lips.

ON JUDICIAL LEARNING.

In a Cooper Institute meeting the discussion

was about Tammany's judicial nomination of a wealthy young man. Mr. Choate spoke of the nominee in the most friendly terms, but added: "Yes, he is a capable young man. In his term of fourteen years he will learn enough to be a judge."

PLAIN LIVING.

At a college dinner Mr. Choate was called upon to speak from Wordsworth's famous line:

"Plain living and high thinking are no more."

Mr. Choate said: "Plain living is hard to undertake in these days of luxury, and high thinking is very painful in these times, when the average man gets his ideas for the day from his morning newspaper."

ON GENERAL GRANT.

Mr. Choate can rise to flights of eloquence. "How," he asked, in introducing General Grant, "could the United States of America be so fitly represented and responded to as by that

great soldier, who long ago spoke for her at the cannon's mouth, in thunder tones that still echo around the globe."

BOYS WHO GO WRONG.

"I have heard it said among young men and boys that they do not have the chance now that their fathers had—that the great corporations are destroying the chances of the young man. But no matter what the conditions are there seems to be a percentage of boys who are destined to go wrong."

MONEY AND INSURANCE.

Concerning mutual insurance companies, Mr. Choate said in an argument before the Supreme Court: "The modern insurance company is a moneyed monster. It lives upon money; it swallows money; it digests money; it breathes money; it lays golden eggs by the basket, and then wraps a few of its coils around them and hatches them into fresh accumulations."

ON RUFUS CHOATE.

Mr. Choate, speaking at the unveiling of his uncle, Rufus Choate, the orator and patriot, said: "His greatness should be ascribed to the study of the Bible. His nurture began with that well-thumbed, dog's-eared Bible which, so early absorbed and never forgotten, saturated his mind and spirit more than all other books combined."

SEATS FOR THE MIGHTY.

A pompous young man bustled into his office. "This Mr. Choate?" "Yes," responded the distinguished lawyer, with his blandest smile. "Well, I'm Mr. Wilberforce, of Wilberforce & Jones." "Take a chair, sir," said Choate, with a wave of his hand. "My father was a cousin of Bishop Wilberforce, and I——" "Take two chairs," said Mr. Choate.

AFTER-DINNER ORATORY.

At a dinner of the St. Nicholas Club, to an anecdote about himself told by Dr. Depew,

Mr. Choate retorted: "I've heard Depew hailed as the greatest after-dinner speaker in America. If after-dinner speaking is, as I believe it is defined, the art of saying nothing at all, then Dr. Depew is the most marvelous speaker in the universe."

A MOUNTAIN OF DEBT.

In the suit of Hunt, the great architect, against Mrs. Paran Stevens, Mr. Choate dwelt upon her humble origin and her successive rises in the social world, concluding with, "At last the arm of royalty was bent to receive her gloved hand, and how, gentlemen of the jury, did she reach this imposing eminence?" (Pause.) "Upon a mountain of unpaid bills."

THE PILGRIM MOTHERS.

In joking he spares not even his own ancestors. The Choate family is one of the oldest in New England, yet Mr. Choate said at a New England Society dinner:

"The Pilgrim fathers had a great deal to

endure; but they were not the greatest heroes in New England. Consider the burden that was borne by the Pilgrim mothers. They had to endure, not only the snow-bound wilderness and the cruel Indians, but the Pilgrim fathers also, compared with which all other discomforts were nothing."

MRS. CHOATE'S SECOND HUSBAND.

One of his wittiest sayings was made over a private dinner table, at which he and Mrs. Choate were guests. Some one inquired of him who he would like to be if he could not be himself. He paused a few seconds, as if thinking over the list of the world's celebrities, and then his eye rested upon his wife. "If," he answered, "I could not be myself, I should like to be Mrs. Choate's second husband."

LEGAL WIT.

In the Stokes trial A. B. Boardman, the opposing attorney, said: "My client is tired of

lawyers. They have cheated him enough, and now he prefers to put the matter before a jury."

"I hope," said Choate, with his suave tone so well known, "that my brother has done nothing to forfeit his client's confidence," and even the grave justices had to smile, while Boardman bit his lip.

ON THE FUTURE OF AMERICA.

Mr. Choate says: "The life and power and progress of America have just begun. I have heard it said there was no chance for our boys to succeed and rise in life now on account of the consolidation and concentration of enterprises in great organizations. I think there never was such a prospect before as there is in our country to-day. A new era of prosperity and progress has opened that will outshine anything recorded in the annals of our history."

RUSSELL SAGE.

"Speak louder, Mr. Sage," said Mr. Choate to the aged financier when he had him on the

stand in the Laidlaw suit. "Speak as loud as if you were buying 1,000 shares of Missouri, Kansas and Texas on the Stock Exchange."

Mr. Choate, on that occasion, took Mr. Sage back to his boyhood days, when he traded jackknives and various knick nacks.

"Were you as clever, Mr. Sage," asked Mr. Choate, "in trading buttons as you are now reputed to be in trading railroads?"

REBUKING A CHIEF JUSTICE.

Mr. Choate is a brave man. In the Supreme Court, general term, when he was arguing an important case, Chief Justice Van Brunt wheeled around in his chair and began a chat with Justice Andrews. Mr. Choate ceased speaking; Justice Van Brunt turned and looked inquiringly.

"Your honor," said Mr. Choate, "I have just forty minutes in which to make my final argument. I shall need not only every second of that time to do it justice, but I shall also need your undivided attention."

He got it.

CHOATE AND DEPEW.

In replying to a toast at a public dinner Mr. Choate said: "A reporter asked me last week for this speech. I told him I had no copy. How can I make an after-dinner speech before dinner? Said he: 'Well, we have Mr. Depew's in cold type.'" Mr. Depew spoke shortly after. "The reporter," he said, "called on me and said, as to Choate, 'I have them all,' but also added, 'Have you any poetry in yours?' Said I, 'No.' 'Well,' said he, 'Choate has.' And after reading it I came to the conclusion that he must have written it himself."

ON MR. DEPEW.

A little girl being sent to spend the afternoon with friends was told to be seen and not heard. When the child came back she said she had been very good—had said nothing, but listened to everything. "And now, dear mamma," asked this little chit, "what is a Chauncey-Depew that everybody was talking about?"

"That little girl's mother," Mr. Choate con-

cluded, "looked at her darling and then said, deprecatingly: 'Ah, my dear little one, you are not old enough to understand those things yet.'"

MILLIONAIRES.

At a charity entertainment Mr. Choate said: "Pick out your millionaires—and there are twelve hundred of them in this city. Their money is corrupting them and their families all the time. Each one of you pick out your millionaire, take him by the throat, and ask him for his money.

"Of course," he added, chuckling, "you may think it a little humiliating to ask a rich man to disgorge his money. I have not found it so myself. But don't approach him through his wife. Let some other man's wife go to him."

A HOME BEYOND THE GRAVE.

When arguing an inheritance case his opponent made one or two rude thrusts against him. Mr. Choate thereupon arose quietly and said:

"My esteemed friend's castigation makes me take a brotherly interest in the man who said he had bought a house on the other side of Greenwood Cemetery because he wanted a home beyond the grave." The opposing lawyer collapsed, because he lived not far from Greenwood, and his dead client had had anything but a home on earth.

ON PENURIOUSNESS.

"It has been said that a man, if he is ever going to save anything, must begin before he is thirty, even if he lays up only a little at a time. It is equally certain that if a man if ever going to extend a helping hand to charity he must begin about the same age. But when he does not begin right the habit of closeness grows with his age, and he gets worse and worse as he grows older. That's the reason why you find so many curmudgeons in New York. To approach them for money brings a quaking and terror to their hearts and pocketbooks."

WINNING A VERDICT.

Mr. Choate tried a case involving $6,000,000. He had the jury with him from that moment in his opening when he said:

"You are here to determine which of two men is the rightful owner of six millions of dollars. There is no opportunity for an appeal to your sympathies. It is not a case of rich against poor, capital against labor, power against weakness."

Then he described his own client as a prudent, solid, substantial business man, and his opponent in the suit as a citizen of San Francisco, where "he owns many houses, many railroads, many banks, many newspapers, many judges, many legislatures."

THE HOUSE THAT JACK BUILT.

In the summing up of one of the numerous phases of the Paran Stevens estate litigations, Mr. Choate said: "For the last week, gentlemen of the jury, we have been engaged here in bitter contest. It has tired us all. Coming by my

children's nursery door this morning it was soothing to the ear to hear the children recite the nursery ballad of the 'House that Jack Built,' for this, gentlemen, is the house that Jack built. My client (Architect Hunt) is the unfortunate Jack, and (with a deferential bow to Mrs. Stevens) the lady in the case may be called the 'maiden that milked the cow with the crumpled horn,' which might stand for the somewhat crumpled Stevens estate."

RETORT OF A WITNESS.

Mr. Choate tells of the only time his serenity was ever ruffled when cross-questioning a witness. It was during a famous will case, and Felix McClusky, formerly doorkeeper of the House of Representatives, was the witness.

"Now, Mr. McClusky," insinuatively asked Mr. Choate, "isn't it true that you are the modern Munchausen?"

"You're the second blackguard that has asked me that in a week," roared McClusky. "An'——" The roar of laughter, in which the surrogate himself joined, drowned the re-

mainder of Mr. McClusky's retort, and it was fully five minutes before business went on again.

ON LORD ABERDEEN.

A characteristic remark of Mr. Choate was made about Lord Aberdeen at a dinner in New York, where the then Governor-General of Canada was the principal guest, appearing in kilts, in honor of his Scotch entertainers. Aberdeen had made a neat speech, and the applause had hardly ceased when Choate was introduced, and proceeded to say some complimentary things of the last speaker and to declare that if he had known that he was to be permitted to sit next to his distinguished Scotch friend, the Governor-General of Canada, "this Gordon of the Gordons," he, too, would have come without his trousers. It was audacious, but the kilted guest was soonest to catch its humor and led the laughter it produced.

NATURAL GAS.

"There is a town in western New York,"

says Chauncey M. Depew, "that bears my name, and in this town some persons by boring tapped a natural gas well, and thereupon formed 'The Depew Natural Gas Company, Limited.' Mr. Choate and I met shortly after this on a public occasion, when both were set down for speeches. He had the last word. Afer dealing with other matters he drew from his pocket the prospectus of the gas company and read it. Then he looked the company over, looked at me, and reading the title at the head of the prospectus, queried with quiet emphasis: "Why limited?"

ON CLARENCE COOK.

In the Cesnola libel case, which raised the question of the authenticity of the collection of antiquities stored in the Museum of Art in Central Park, Mr. Choate was counsel for General Cesnola. Clarence Cook, the art critic, was on the stand, and his evidence bore strongly against Choate's client. During the cross-examination he developed points which tended to discredit Mr. Cook's testimony. Turning upon

the witness and shaking a quivering forefinger at him, the advocated quoted with dramatic emphasis:

"False, fleeting, perjured Clarence!"

FAMILY PRAYERS.

In the million-dollar Hurlburt inheritance case he tangled up a witness in a maze of contradictions, finally saying: "Then you told a falsehood simply because you thought it customary."

"Well, if you keep forcing me, I will have to keep going in a circle to explain," answered Mr. Hurlburt.

"Go ahead," retorted Choate. "I'll follow you to the end."

"To the end of a circle?" murmured Lawyer Parsons, Choate's opponent.

But Choate retaliated the next day, when a witness testified that the Hurlburt family had family prayers morning and night.

"Family prayers?" repeated Parsons in a

questioning tone. "Family prayers," repeated the witness.

"Yes," continued Choate, "don't you know what they are, Brother Parsons?"

LETTERS OF INTRODUCTION.

The clerks in Mr. Choate's law office were one day discussing in his presence the right method of obtaining success for the young man who should come unheralded to New York. The value of letters of introduction formed the chief topic. There were divers opinions. Mr. Choate was inclined to throw doubt on the value of letters of introduction. He said that when he came to New York many years ago he brought with him but a single letter of introduction, and he thought he had made a certain amount of progress.

This sounded well until some one spoke up and said: "But just what was your letter, Mr. Choate?" "Well," he said, "it was a letter from Rufus Choate to William M. Evarts."

A DEBT OF GRATITUDE.

It was in the course of the celebrated trial of Huntington, Hopkins, Crocker and Stanford, the "big four" of the Pacific coast, that Mr. Choate paid his famous compliment to Conkling —a tribute which the ex-senator deeply appreciated, coming as it did at a time when Mr. Conkling, just defeated for re-election, had taken up the practice of law in New York, in hopes of earning money enough to pay his debts and die even with the world.

"However we may differ," said Mr. Choate, "one from another, or all of us from him, we owe the senator one debt of gratitude for standing always steadfast and incorruptible in the halls of corruption. Shadrach, Meshech and Abednego won immortal glory for passing one day in the fiery furnace; but he has been twenty years there and has come out without even a smell of smoke upon his garments."

ON ROSCOE CONKLING.

In a great railroad case Roscoe Conkling provoked much laughter by reading aloud a

newspaper description of Mr. Choate. He replied:

"I do not like to lie under this imputation, and I will return it. But, gentlemen, not from any newspaper. Oh, no! I will paint his picture as it has been painted by an immortal pen. I will give you a description of him as the divine Shakespeare painted it, for he must have had my learned friend in his eye when he said:

> " 'See what a grace is seated on his brow;
> Hyperion's curl the front of Jove himself;
> An eye, like Mars, to threaten and command—
> A combination and a form indeed,
> Where every god did seem to set his seal,
> To give the world assurance of a man.'"

The laugh now was twice as great as the first.

NEW ENGLAND PATRIOTISM.

With all his pleasantries Mr. Choate is still the New Englander of conscience, culture and fervent patriotism, and the manner in which he blends these qualities with his humorous utter-

ances is sometimes most delightful. Take, for example, his introduction of General Sherman. "I do not know," said he, "that the great general of our armies drew his first breath upon New England soil, but this I know, that he has eaten so good a share of so many New England dinners that a full current of New England blood must now flow in his veins. He was a leader of New England 'hosts' long before he ate his first dish of pork and beans at your table. When following the glorious soul of John Brown that always marched on before, he led his battalions of Yankees through Georgia, from Atlanta to the sea, he was writing a genuine chapter of the Pilgrim's Progress."

THE SALOON.

Speaking at a meeting of the Church Temperance Society, Mr. Choate said:

"As I understand it, the special work of the society which I am to present is its desire to resist the evil influences of the saloons, which have been the curse of this city for so many

years, and continue so yet. There are more than 7,500 saloons, and each represents damage to families incalculable. I believe that more money is spent for drink in this city than for food or for the education of children. The law can attend to the reduction of the number of saloons, but it cannot prevent the debauching of politics, disgrace of families, and ruin to the community which is accomplished through them."

ON WILLIAM M. EVARTS.

Sometimes, when in a desperately wicked humor, Mr. Choate told this story at Senator Evart's expense: He was trying a case involving immense financial transactions, and felt unwilling to leave his client's fate to his own unaided judgment. So he brought Mr. Evarts into court with him. The senator never spoke aloud at all, but his whispered suggestions were invaluable. When the case was over, one of the young men attached to their office asked a juryman what he thought of Mr. Evarts.

"Who's he?" asked the juror.

"Great heavens!" cried the young man, "don't you know William M. Evarts?"

"Dunno's I do," hopelessly responded the juror.

The clerk gave a gasp of amazement. "There he is," he said, "talking to Mr. Beach."

"Oh, him? Him with the long nose? Don't think much of him. The only thing he said was 'I object,' and hanged if I couldn't have said that much."

IN THE SUPREME COURT.

In the New York Supreme Court one day Mr. Choate asked for the postponement of the trial of an action because he was at that moment engaged in a trial in the surrogate's court. He asked the judge to let his case go over until he had finished in the surrogate's court. He had just come across the corridor bareheaded from that court.

"No," replied the judge, "this case has been kept waiting long enough. The trial must proceed now."

"But I cannot leave in the midst of a trial before the surrogate," expostulated Mr. Choate.

"I shall order this trial to proceed at once," exclaimed the judge snappishly.

"Your honor," said Mr. Choate, speaking slowly and with icy politeness, "your honor undoubtedly has the physical power to order me to proceed with this trial forthwith, but your honor has not the legal power to order me."

The judge became very red, and immediately granted the adjournment.

ON VAMPIRES.

One of Mr. Choate's friends describes a scene before Judge Freedman some years ago. The counsel for the plaintiff, John E. Parsons, denounced the defendant insurance company as "vampires, bloodless monsters that feed on the blood of the people," etc. It was a savage address of the old-fashioned style. When Mr. Parsons sat down the courtroom seemed to buzz. Mr. Choate was lying back in his chair, with his eyes to the ceiling and his hands in his pocket. "Mr. Choate, it is your turn," said

the judge, and Mr. Choate arose, still with his hands in his pockets. "If your honor please, and gentlemen of the jury," said he, "do you know what a vampire really is? Look at the Quaker gentleman who is the president of this company. He sits there in his Quaker clothes and white neckcloth. Look at that innocent young man, his attorney, who sits next him and has a smile on his face. You thought vampires were something out of the way when Brother Parsons described them, but these are regular, genuine vampires."

The excitement of the spectators merged into a laugh and then into a feeling friendly to the speaker.

THE LEGAL PROFESSION.

At an annual banquet of the American Bar Association in Chicago, responding to the toast, "Our Profession," Mr. Choate said:

"We love the law because among all the learned professions it is the only one that involves the study and the pursuit of a stable and exact science.

"Theology was once considered an immutable science, but how it has changed from age to age!

"And then as to medicine, how its practice and its theories succeed each other in rapid revolution, so that what were good methods and healing doses and saving prescriptions a generation ago are now condemned, and all the past is adjudged to be empirical!

"Meanwhile, common law, like a nursing father, makes void the part where the fault is and preserves the rest, as it has been doing for centuries.

"So long as the Supreme Court exists to be attacked and defended—that sheet anchor of our liberties and of our government; so long as the public credit and good faith of this great nation are in peril; so long as the right of property, which lies at the root of all civil government, is scouted, and the three inalienable rights to life, to liberty, and the pursuit of happiness, which the 'Declaration of Independence' proclaimed and the Constitution has guaranteed alike against the action of Congress and of the

States, are in jeopardy, so long will great public service be demanded of the bar."

ON PORTER AND DEPEW.

At a New England Society dinner General Porter and Mr. Depew were both present. Mr Choate's face fairly beamed with delight as he extended to them a greeting that brought down the house. "I am sure," he said, "you would not allow me to quit this pleasing programme if I did not felicitate you upon the presence of two other gentlemen—those twin-rail fellows, well met at every festive board, without whom no banquet is ever complete. I mean, of course, Mr. Depew and General Porter. Their splendid efforts on a thousand fields like this have fairly won their golden spurs. I forget whether it is Pythagoras or Emerson who finally decided that the soul of mankind is located in the stomach, but these two gentlemen, certainly, by their achievements on such arenas as this, have demonstrated at least this rule of anatomy, that the pyloric orifice is the shortest cut to the human

brain. Their well-won title of first of dinner orators is the true survival of the fittest, for I assure you that their triumphant struggles in all these many years at scenes like this would long ago have laid all the rest of us under the table, if not under the sod. And so I think in your names I may bid them welcome, thrice welcome—*duo fulmina belli.*"

THE ALIBI.

In nearly all his Supreme Court cases Mr. Choate has enlivened the proceedings by his witty speeches. One of the best remembered of these was in the case of David Stewart against Collis P. Huntington for the payment of a large sum of money, which Stewart claimed was due him under an agreement with Huntington for the purchase of certain Central Pacific stock. Mr. Choate appeared for the plaintiff. Roscoe Conkling was on the other side, and he insisted that Huntington was not responsible for what his associates might have done on the Pacific coast. On this point Mr. Choate said to the jury:

"It reminds me, gentlemen, of an alibi that was introduced in another famous case. You remember when Mr. Tony Weller was called in consultation about the defense of Mr. Pickwick, in whose arms the fair widow who sued him had been found dissolving in tears, and he said: 'Sammy, my advice to you is to prove an alibi. Some, when brought to trial, believe in character and some in an alibi, but I advise you to stick to an alibi.'

"This double of Mr. Huntington under whose cover he exists and is in two places at the same time, upon the Atlantic and Pacific—my distinguished friend said it was a romance—the connection between him and Mark Hopkins—I thought, gentlemen, of that other romance, the story of 'My Double, and How He Undid Me,' and it seems that the defendant was then to undo him in this case—this Mark Hopkins, by whom he was represented absolutely, completely, and without any limitation whatever, so that you might say that when Mr. Huntington took snuff on the Atlantic coast Mr. Hopkins sneezed on the Pacific."

ON THE PILGRIMS.

Here is one of his glowing periods, the peroration of a New England dinner speech: "When that little company of Nonconformists at Scrooby, with Elder William Brewster at their head, having lost all but conscience and honor, took their lives in their hands and fled to Protestant Holland, seeking nothing but freedom to worship God in their own way, and to earn their scanty bread by the sweat of their brows; when they toiled and worshipped there at Leyden for twelve long suffering years; when at last, longing for a larger liberty, they crossed the raging Atlantic in that crazy little bark that bore at the peak the Cross of St. George, the sole emblem of their country and their hopes; when they landed in the dead of winter on a stern and rockbound coast; when they saw, before the spring came round, half of the number of their dear comrades perish of cold and want; when they knew not where to lay their heads—

> They little thought how clear a light
> With years should gather round this day,
> How love should keep their memories bright,
> How wide a realm their sons should sway.

"How the day and the place should be honored as the source from which true liberty derived its birth, and how at last a nation of fifty millions of freemen should bend in homage over their shrine. We honor them for their dauntless courage, for their sublime virtue, for their self-denial, for their hard work, for their common sense, for their ever-living sense of duty, for their fear of God that cast out all other fears, and for their raging thirst for liberty. In common with all those generations through which we trace our proud lineage to their hardy stock, we owe a great share of all that we have achieved, and all that we enjoy of strength, of freedom, of prosperity, to their matchless virtue and their grand example. So long as America continues to love truth and duty, so long as she cherishes liberty and justice, she will never tire of hearing the praises of the Pilgrims, or of heaping fresh incense upon their altar."

RICHARD CROKER..

In a New York State political campaign

Richard Croker gave a number of interviews to the newspapers. Mr. Choate replied to them at a mass meeting in Chickering Hall. He said:

"This cordial reception that you have given to me is almost as great a compliment as I received last week from the unctuous lips of Mr. Croker himself; for I must say that I regard it as the highest compliment for any respectable citizen to be abused by him. And there is a great deal that hangs on the fact that Mr. Croker for the first time in this campaign has opened his lips. The dumb has spoken. He never speaks when things are going in a way that suits him. He has never been known to, and I ask you why it is that this shrewd and calculating politician at this late hour in the campaign has found it necessary to open his lips.

"Well, this audience looks to me like a good, old-fashioned audience who remember things they have read in the Bible. Croker's speech and why he spoke recall to my mind the familiar story of Balaam's ass. And in two or

three points Mr. Croker reminds us of that very celebrated beast of burden. In the first place, until the ass spoke, nobody in the world imagined what a perfect ass he was. If he had not spoken he would have passed into history as an average, ordinary, silent ass who carried Balaam on his way; but when he spoke he was distinguished over all other asses in the land.

"But that is not the only way in which Mr. Croker recalls that story. Why did the ass speak? Do you remember the story? It was because he was frightened. It was because he got, as the Bible says, into a tight place, where he could turn neither to the right nor to the left. And in that situation, when he saw before him one who bore a flaming sword confronting him, at last the ass spoke; and it was in the same tight place that Croker spoke, when at last he was afraid of him who bore a flaming sword. You can tell who the young man is who bore the flaming sword that makes Croker afraid."

OLD IRELAND.

Mr. Choate seems to have an utter disregard

for consequences. At the dinner of the Friendly Sons of St. Patrick, in the evening of March 17, 1893, he said:

"But, gentlemen, now that you have done so much for America—now that you have made it all your own—what do you propose to do for Ireland? How long do you propose to let her be the political football of England? Poor, downtrodden, oppressed Ireland! 'Hereditary bondsmen! Know ye not, who would be free themselves must strike the blow?'

"You have learned how to govern by making all the soil of other countries your own. Have you not learned how to govern at home; how to make Ireland a land of home rule?

"There's a cure for Ireland's woes and feebleness to-day. It is a strong measure that I advocate. I propose that you shall all, with your wives and your children and your children's children, with the spoils that you have taken from America in your hands, set your faces homeward, land there, and strike the blow!

"Think what it would mean for both coun-

tries if all the Irishmen of America, from the Atlantic to the Pacific, should shoulder their muskets and march to the relief of their native land!

"Then, indeed, would Ireland be for Irishmen and America for Americans!

"As you landed, the Grand Old Man would come down to receive you with pæans of assured victory. As you departed, the Republicans would go down to see you off and to bid you a joyful farewell. Think of the song you could raise: 'We are coming, Father Gladstone, 15,000,000 strong!'

"How the British lion would hide his diminished head! For such an array would not only rule Ireland, but all other sections of the British Empire. What could stand before you?

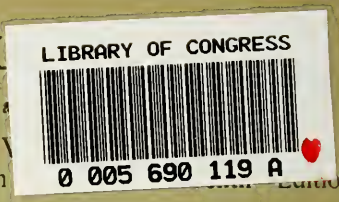
"It would be a terrible blow to us. It would take us a great while to recover. Feebly, imperfectly, we should look about us and learn for the first time in seventy-five years how to govern New York without you. But there would be a bond of brotherhood between the two nations. Up from the whole soil of Ire-

land, up from the whole soil of America would rise one pæan—Erin go bragh."

That speech kept Mr. Choate in hot water for years. He never qualified it; never explained or modified it. It made him the target for much criticism.

THE END.

BOOKS BY WILL



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